

Notice of Allowability

Application No.

10/671,489

Examiner

Christopher P. Bruenjes

Applicant(s)

BORODAEV ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed August 27, 2007.
2. ☒ The allowed claim(s) is/are 1-3, 8, 10, 11, 17 and 18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20071025.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jiwen Chen on October 24, 2007.

The application has been amended as follows:

In the title, delete "Polymer Film for Food Products and a".

Delete claim 1 and replace with:

-- Claim 1. (currently amended) A single-layer smokable tubular oriented and thermally fixed casing for stuffing by pastry food, consisting essentially of a polyamide matrix and a component providing high permeability of the casing with respect to smoke substances and water vapors, wherein said component is a hydrophilic compound in an amount of 4.5-50.0 wt. % of the total weight of the casing, and said hydrophilic compound:

i) forms in the polyamide matrix a highly dispersed phase with a linear domain size of 0.1-3.0 μm in a direction perpendicular to a surface of the casing ~~film~~ in the polymide matrix, and

ii) is solid and soluble in water at 20°C,

wherein the hydrophilic compound is a polymer selected from the group consisting of polyvinylpyrrolidone, polyvinyl alcohol, polyalkyloxazoline, polyalkylene glycol, polyvinyl alcohol ethers, polyvinyl ethers~~vinyl alcohol polyethers~~, cellulose ethers ~~polyethers~~, and

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wherein the casing has the water vapor permeability estimated by DIN 53 122-74 of from about 450 to about 515 g/m² day and the permeability in respect of phenol of from about 110 to about 160 g/m² day, and the tensile strength of from about 148 to about 170 Mpa.--

Cancel claim 13.

2. The drawings filed September 29, 2003 are acceptable.

3. The following is an examiner's statement of reasons for allowance: The independent claim identifies the uniquely distinct feature of a polyamide matrix and particular hydrophilic compound that provides a casing meeting the water vapor permeability, phenol permeability, and tensile strength limitations claimed. The closest prior art Imanishi et al (USPN 6,054,209) teach a polymer matrix and a dispersed phase. Imanishi et al further teach that one example of the polymer forming the matrix is a polyamide and that some of the examples of the dispersed phase are the same as the hydrophilic compound claimed by applicant. However, there is no express teaching of the particular combination of a polyamide matrix and one of the specific hydrophilic compounds that would arrive at Applicant's claimed water vapor permeability, phenol permeability and tensile strength values. Specifically, the unobviousness of selecting the specific combination at the specific amounts to arrive at the specifically claimed value ranges is exemplified by the examples in the specification and the declaration filed September 6, 2007.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher P Bruenjes
Examiner
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CPB
CPB
October 25, 2007

Alicia Chevalier
ALICIA CHEVALIER
PRIMARY EXAMINER